



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

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Arnold
Schwarzenegger
Governor

28 August 2008

CERTIFIED MAIL
7006 0810 0002 9651 0070

Eric Mische
Freeport Regional Water Authority
2710 Gateway Oaks Drive, Suite 320S
Sacramento, CA 95833

NOTICE OF VIOLATION, CWA SECTION 401 WATER QUALITY CERTIFICATION, FREEPORT REGIONAL WATER PROJECT, WDID# 5B39CR00109, SACRAMENTO AND SAN JOAQUIN COUNTY

On 19 August 2008, Water Board staff inspected the Folsom South Canal Connection of your project. During the inspection, staff observed that grading had occurred within the creek channel of Dry Creek at a crossing on Clay Station Road in Sacramento County. Water Board staff noted that appropriate Best Management Practices had not been installed prior to entering the creek channel and that the area was not protected from washout and erosion. Water Board staff also noted that earthen material from the excavation work at the Dry Creek Crossing has been placed in the surface water drainage course and could pass into surface waters. Staff determined that this is a violation of the following conditions of your CWA Section 401 Water Quality Certification:

Additional condition 2 of your Water Quality Certification states, "Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses." Additional Condition 7 requires that, "All areas disturbed by project activities shall be protected from washout and erosion."

Your project must also meet the requirements of the Construction Storm Water General Permit. The General Permit requires you to meet the Best Available Technology economically achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) standard to reduce or eliminate pollutant discharges from your site. Sediment is a pollutant.

During the 19 August 2008 inspection, Water Board staff observed tracking on the roadway in many areas along the pipeline project and inadequate and unmaintained construction entrances. Staff also observed that a rotary sweeper was being used to sweep the roadway and that the rotary sweeper was causing significant dust issues and was inadequate at cleaning the roadway. Rotary sweepers move the dirt to the side of the road where sediment can find its way into drainage courses. The BMPs currently employed to address sediment in the roadway at this site must be upgraded to meet the BAT/BCT standard.

California Environmental Protection Agency

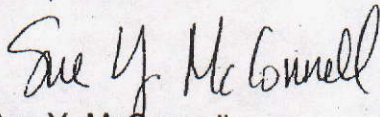
Response

In response to this Notice of Violation, you must immediately do the following:

- Install appropriate BMPs at the Dry Creek Crossing prior to continuing excavation activities. Ensure that all other crossings have appropriate BMPs installed.
- Address the tracking on the roadway throughout the Folsom South Canal Connection portion of the project; this includes the installation and maintenance of appropriate construction entrances as needed.
- Review and update the Storm Water Pollution Prevention Plans for Folsom South Canal Connection to ensure that adequate BMPs are used for this phase of the project as well as providing an implementation schedule for the upcoming wet weather season.
- Provide a copy of all Storm Water Pollution Prevention Plans for the Folsom South Canal Connection portion of the project to our office.

Violations of your CWA Section 401 Water Quality Certification have exposed Freeport Regional Water Authority to possible further enforcement action. Under Section 13385 of the CWC, the Regional Board can impose administrative civil liabilities for violations of any water quality certifications issued pursuant to CWC Section 13160. The maximum administrative civil liability for each day of violation is ten thousand dollars (\$10,000).

If you have any questions, please contact Jacque Kelley at (916) 464-4764 or Rich Muhl at (916) 464-4749.



Sue Y. McConnell
Chief, Storm Water Compliance and Enforcement Unit

Enclosures: Inspection report
Site photographs

cc: Phillip Kohne, East Bay Municipal Utility District, Clements
Robin Cort, Freeport Regional Water Authority, Sacramento ✓
Kerry Schmitz, Sacramento County Department of Water Resources, Sacramento
Archie Wright, Sacramento County Department of Water Resources, Sacramento

Storm Water Construction General Permit & 401 WQ Cert. Inspection Report

RWQCB - Region 5S

WDID # 5B39CR00109 & various Const. Permit #'s

County: Sacramento & San Joaquin Co.

Freeport Regional Water Authority/ EBMUD

Freeport Regional Water Project

Owner's Name

Name of E Project

2710 Gateway Oaks Drive, Suite 320 S

Same

Owner's Street Address

Contact

Sacramento, CA 95833

Pipeline project

Owner's City, State and Zip code

Site Address

Robin Cort & Phillip Kohne

Sacramento & San Joaquin Co.

Owner's contact person and phone #

Site City, State, and Zip Code

Jacque Kelley, Rich Muhl

8/19/2008

Inspection Conducted By

Date of Inspection

Time of Inspection

Dry Ho Clear Overcast Cold Raining

In progress

Weather Conditions During Inspection (circle all that apply)

Status of Construction

Type of Inspection:

Inspection in Conjunction with Other Permit

Permit Type:

Termination Request

Compliance Inspection

Outreach Inspection

Discharger/Facility Request

Follow-up to previous inspection ** Date of Previous Inspection

x

Other Complaint

Control Measures Checklist:

Storm Water Samples Collected?

Yes

x

Yes

No

Non-Storm Water Discharge or Evidence of Non-Storm Water Discharge Observed?

Yes

x

Yes

No

Separate Inspection Report Written?

Yes

x

Yes

No

Updated SWPPP on Site?

Yes

No

Yes

No

Yes - Evident on inspection

No - Non evident on inspection

Areas of Concern:

Yes

No

Evidence of erosion?

Yes

No

(hills, gullies, slips)

Dirt/sediment tracked in streets?

x

No

Evidence of dewatering?

Yes

No

Other

Inspection Summary (complete only if no separate inspection report is written):

Inspection conducted in response to a complaint regarding tracking on the roadway. During the inspection of the Folsom South Canal Connection project areas, staff observed a 401 Cert violation at the Dry Creek Crossing. Excavation was occurring without appropriate BMPs. Staff also noted inadequate and unmaintained BMPs for tracking at various locations. Staff directed Discharger's representatives to review, update and implement the SWPPP and 401 Cert requirements. Construction Storm Water Permit #'s associated w/project are 5S39C347805, 5S39C350311, 5S39C351737, 5S34C347804.

Signature

Date Entered:

Entered By:

Senior Review:

SJM



Figure 1: Overview of the Dry Creek Crossing



Figure 2: Silt fence installed within the creek channel



Figure 3: Area where the creek has been pot holed



Figure 4: Another view of the work area Note: the sediment along the sides of the construction project which has been deposited along the edges of the creek

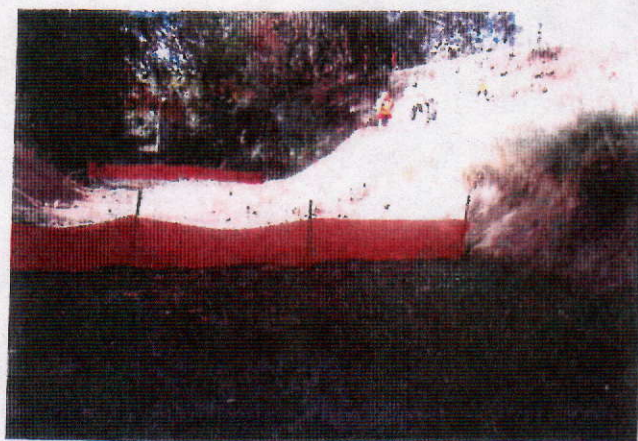


Figure 5: Another view of the work area



Figure 6: Another view of a portion of the work area

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Figure 7: Project area Note: the steep unstabilized slopes



Figure 8: Another view of a portion of the work area



Figure 9: Impacted creek bottom



Figure 1: Tracking on roadway Note: this was a closed roadway



Figure 2: Another view of the extensive sediment on the closed roadway



Figure 3: Tracking on an active roadway

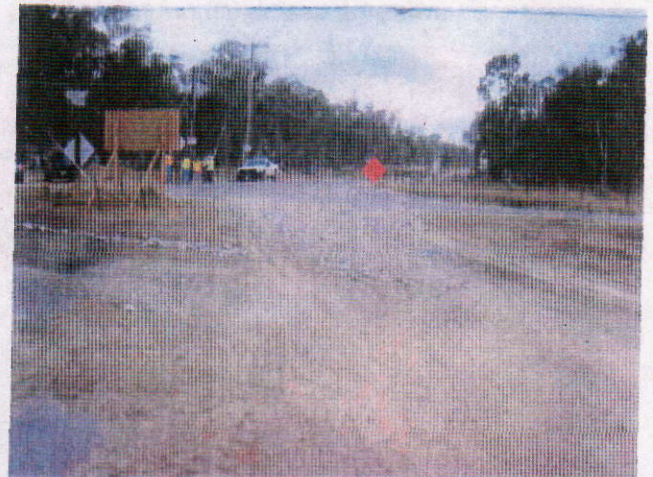


Figure 4: Poorly maintained and installed construction entrance



Figure 5: Another view of tracking on the roadway



Figure 6: Another view of the ineffective construction entrance

8/19/08



Figure 7: Sediment along the road shoulder which is contributing to sediment on the roadway



Figure 8: View of dust on the roadway caused by construction traffic



Figure 9: Rotary broom sweeper



Figure 10: Another view of the rotary broom sweeper